

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Muhammed Arkey LaSane,)	
)	
Plaintiff,)	C.A. No.: 6-07-244-RBH
)	
vs.)	ORDER
)	
A. Lane Cribb,)	
)	
Defendant)	
_____)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge William M. Catoe, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, except as noted hereinbelow, the court adopts Magistrate Judge Catoe's Report and Recommendation and incorporates it herein. The Court finds that the pending nondispositive motions are not moot and should be ruled upon by the Magistrate Judge. It is therefore

ORDERED that the defendant's motion to dismiss for failure to exhaust administrative remedies (Doc. Entry#11) is hereby denied. The defendant's (Doc. Entry #9) motion to dismiss for failure to state a claim is hereby granted in part and denied in part; the motion to dismiss is granted as to the plaintiff's claim against the sheriff in his official capacity but is denied as to the claim against the sheriff in his individual capacity. The defendant's requests for attorney fees are hereby denied.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
August 30,2007